



General Assembly

Amendment

January Session, 2005

LCO No. 8059

SB0035808059HDO

Offered by:

REP. BERGER, 73rd Dist.

REP. STONE, 9th Dist.

To: Subst. Senate Bill No. 358

File No. 477

Cal. No. 620

(As Amended by Senate Amendment Schedule "A")

**"AN ACT CONCERNING THE RETENTION OF JOBS IN
CONNECTICUT."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2005*) In requesting proposals
4 and awarding a contract for services, a state agency may consider
5 whether the services under the contract and any subcontract will be
6 performed in the United States. Any such contract shall (1) require the
7 contractor to notify the state agency if such contractor or any
8 subcontractor subsequently performs any of the services under the
9 contract outside the United States, and (2) establish remedies, which
10 may include liquidated damages, if the contractor wilfully or
11 intentionally fails to notify the state agency in the event such
12 contractor or, with actual knowledge, any subcontractor, subsequently
13 performs any of the services under the contract outside the United

14 States and the performance of such services in the United States was a
15 material obligation of the contract.

16 Sec. 2. Subsection (c) of section 4a-59 of the general statutes is
17 repealed and the following is substituted in lieu thereof (*Effective*
18 *October 1, 2005*):

19 (c) All open market orders or contracts shall be awarded to (1) the
20 lowest responsible qualified bidder, the qualities of the articles to be
21 supplied, their conformity with the specifications, their suitability to
22 the requirements of the state government and the delivery terms being
23 taken into consideration and, at the discretion of the Commissioner of
24 Administrative Services, life-cycle costs and trade-in or resale value of
25 the articles may be considered where it appears to be in the best
26 interest of the state, (2) the highest scoring bidder in a multiple criteria
27 bid, in accordance with the criteria set forth in the bid solicitation for
28 the contract, or (3) the proposer whose proposal is deemed by the
29 awarding authority to be the most advantageous to the state, in
30 accordance with the criteria set forth in the request for proposals,
31 including price and evaluation factors. Notwithstanding any provision
32 of the general statutes to the contrary, each state agency awarding a
33 contract through competitive negotiation shall include price as an
34 explicit factor in the criteria in the request for proposals and for the
35 contract award. In considering past performance of a bidder for the
36 purpose of determining the "lowest responsible qualified bidder" or
37 the "highest scoring bidder in a multiple criteria bid", the
38 commissioner shall evaluate the skill, ability and integrity of the
39 bidder in terms of the bidder's fulfillment of past contract obligations
40 and the bidder's experience or lack of experience in delivering
41 supplies, materials, equipment or contractual services of the size or
42 amount for which bids have been solicited. In determining the lowest
43 responsible qualified bidder for the purposes of this section, the
44 commissioner may give a price preference of up to ten per cent for (A)
45 the purchase of goods made with recycled materials or the purchase of
46 recyclable or remanufactured products if the commissioner determines
47 that such preference would promote recycling or remanufacturing. As

48 used in this subsection, "recyclable" means able to be collected,
49 separated or otherwise recovered from the solid waste stream for
50 reuse, or for use in the manufacture or assembly of another package or
51 product, by means of a recycling program which is reasonably
52 available to at least seventy-five per cent of the state's population,
53 "remanufactured" means restored to its original function and thereby
54 diverted from the solid waste stream by retaining the bulk of
55 components that have been used at least once and by replacing
56 consumable components and "remanufacturing" means any process by
57 which a product is remanufactured; (B) the purchase of motor vehicles
58 powered by a clean alternative fuel; or (C) the purchase of motor
59 vehicles powered by fuel other than a clean alternative fuel and
60 conversion equipment to convert such motor vehicles allowing the
61 vehicles to be powered by either the exclusive use of clean alternative
62 fuel or dual use of a clean alternative fuel and a fuel other than a clean
63 alternative fuel. As used in this subsection, "clean alternative fuel" shall
64 mean natural gas or electricity when used as a motor vehicle fuel. All
65 other factors being equal, (i) preference shall be given to supplies,
66 materials and equipment produced, assembled or manufactured in the
67 state and services originating and provided in the state, and (ii) if no
68 bidder or proposer would produce, assemble or manufacture supplies,
69 materials and equipment in the state or originate and provide services
70 in the state, preference shall be given to supplies, materials and
71 equipment produced, assembled or manufactured in the United States
72 and services originating and provided in the United States. If any such
73 bidder refuses to accept, within ten days, a contract awarded to such
74 bidder, such contract may be awarded to the next lowest responsible
75 qualified bidder or the next highest scoring bidder in a multiple
76 criteria bid, whichever is applicable, and so on until such contract is
77 awarded and accepted. If any such proposer refuses to accept, within
78 ten days, a contract awarded to such proposer, such contract shall be
79 awarded to the next most advantageous proposer, and so on until the
80 contract is awarded and accepted. There shall be a written evaluation
81 made of each bid. This evaluation shall identify the vendors and their
82 respective costs and prices, document the reason why any vendor is

83 deemed to be nonresponsive and recommend a vendor for award. A
 84 contract valued at one million dollars or more shall be awarded to a
 85 bidder other than the lowest responsible qualified bidder or the
 86 highest scoring bidder in a multiple criteria bid, whichever is
 87 applicable, only with written approval signed by the Commissioner of
 88 Administrative Services and by the Comptroller. The commissioner
 89 shall submit to the joint standing committee of the General Assembly
 90 having cognizance of matters relating to government administration,
 91 the State Auditors and the Comptroller, an annual report of all awards
 92 made pursuant to the provisions of this section.

93 Sec. 3. (NEW) (*Effective October 1, 2005*) There is established within
 94 the office of the Attorney General, within available appropriations, an
 95 office that shall be responsible for assisting manufacturers and other
 96 businesses based in the state in protecting their patents and businesses
 97 from unfair and illegal competition from businesses based outside the
 98 United States."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	4a-59(c)
Sec. 3	<i>October 1, 2005</i>	New section